APPENDIX A — RULING OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF VENTURA DATED APRIL 15, 1992

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

HARRY R. HIBBS, JESSICA HIBBS, HENRY HOLIDAY, VIOLA HOLIDAY, and TAMARA GREEN,

Plaintiff,

vs.

CITY OF SAN BUENAVENTURA,

Defendants.

RULING ON SUBMITTED MATTER:
MOTIONS OF CITY OF SAN BUENAVENTURA FOR SEVERANCE/CONSOLIDATION

The motion of defendant City of San Buenaventura for severance/consolidation of claims came on for hearing on Monday, April 6, 1992 in Courtroom 22 before the Honorable Steven Z. Perren. The case was duly argued whereupon the Court took the matter under submission. The Court now finds and orders:

Severance of Claims: Defendant City of San Buenaventura's motion to sever is granted as follows: Plaintiffs' Fifth Cause of Action of the Complaint for Inverse Condemnation is severed in its entirety from all other causes of action for all purposes. Code of Civil Procedure section 1048(b).

a. Severance of plaintiffs' inverse condemnation claim from its causes of action challenging the formation of the assessment district will facilitate consolidation of plaintiffs' disparate claims into cases with commonality of facts, issues and standards of review.

b. Severance will avoid prejudice that might result from introduction of evidence admissible on one issue, but inadmissible on others.

Consolidation: Inverse Condemnation — Defendant City of San Buenaventura's motion to consolidate plaintiffs' inverse condemnation claim in the fifth cause of action of the complaint with *Adams v. City of San Buenaventura*, Ventura County Superior Court Case No. 113842 is granted as follows: The fifth cause of action of plaintiffs' complaint, in its entirety, in consolidated into the *Adams* case for all purposes, and all future filings on this claim shall be under the title *Adams v. City of San Buenaventura*, Ventura County Superior Court Case No. 113842.

a. Paragraph 47 of the fifth cause of action contains allegations relevant to the issue of damages sustained by plaintiffs as a result of the alleged inverse condemnation of their real property.

b. Plaintiffs' inverse condemnation claim and the *Adams* cases arise from the same events and involve similar facts and issues. Consolidation will (i) avoid relitigation of these issues in multiple cases, (ii) avoid duplicative efforts of the parties and the court in discovery, pre-trial preparation and trial, and (iii) avoid conflicting orders and judgments. Code of Civil Procedure section 1048(a).

c. Plaintiffs will be prosecuting the same issues in the consolidated actions as in their complaint, and there will be no substantial prejudice to plaintiffs from consolidation. Severance of plaintiffs' claims prior to consolidation avoids prejudice to defendant.

ORDER: Plaintiffs shall file a supplemental pleading in the *Adams* case within 10 days, repeating such allegations of their complaint

as necessary, so that the fifth cause of action can be referred to, and stand alone, as a legally sufficient single cause of action. Plaintiffs shall not allege new facts.

ORDER: Defendant shall have 10 days from service of the supplemental pleading to file a supplemental response that can be referred to, and stand alone, as defendant's answer. Defendant shall not allege new defenses.

ORDER: The *Adams* case is reassigned to Judge Edwin M. Osborne, Courtroom 30, for all purposes.

Challenges to Assessment District:

a. Plaintiffs' challenges to the formation of the Porto Bello Assessment District and the *Aggen* cases arose from the same events and involve similar facts and issues. Consolidation will (i) avoid relitigation of these issues in multiple cases, (ii) avoid duplicative efforts of the parties and the court in discovery, pre-trial preparation and trial, and (iii) avoid conflicting orders and judgments. Code of Civil Procedure section 1048(a).

b. Plaintiffs will be prosecuting the same number of issues in the consolidated actions as in their complaint, and there will be no substantial prejudice to plaintiff from consolidation. Severance of plaintiffs' claims prior to consolidation avoids prejudice to defendant.

ORDER: The first, second, third and fourth causes of action of plaintiffs' complaint, in their entirety, are consolidated into the *Aggen* case for all purposes, and all future filings on these claims shall be under the title *Aggen v. City of Ventura*, Ventura County Superior Court Case No. 118395.

Appendix A

ORDER: The file in plaintiffs' action shall be transferred and incorporated into the file for the *Aggen* case. The allegations and prayer of plaintiffs' fifth cause of action are stricken from the complaint.

ORDER: The *Aggen* case is reassigned to Judge Edwin M. Osborne, Courtroom 30, for all purposes.

General:

1. All parties will coordinate their discovery with actions consolidated into theirs so as to avoid duplication of discovery. Counsel for each party will make all documents it has produced in response to written discovery requests (including production of documents) available to all other parties consolidated into an action.

2. Except as otherwise provided by law, witnesses in the consolidated actions may be deposed only on one occasion; however, witnesses who were deposed prior to this consolidation order may be deposed again by the *Hibbs* parties. Deposition testimony of witnesses in each action shall be made available to the other parties consolidated into the action.

DATED: April 15, 1992

s/ Steven Z. Perren
STEVEN Z. PERREN
Judge of the Superior Court

APPENDIX B — ORDER STAYING PROCEEDINGS OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA FILED AUGUST 26, 1996

SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA

CASE NO. 116363 LEAD CASE

(Consolidated with Case Nos. 116363, 116459, 117093, 119484 [5th Cause of Action only], and 121507)

DONALD ADAMS,

Plaintiff,

CITY OF SAN BUENAVENTURA

Defendant.

ORDER STAYING PROCEEDINGS

IT IS HEREBY ORDERED, pursuant to the Stipulation filed on August 8, 1996, that until reactivated by stipulation, motion or order of the Court, the proceedings in these consolidated cases are stayed pending disposition of the appeal of the *Aggen, et al V. City of San Buenaventura, et al.* (Aggen), Ventura County Superior Case No. 118395 (lead case), consolidated with case numbers 118544 and 119484. If not reactivated as described above, these consolidated cases shall automatically be reactivated upon the passage of thirty (30) days from the remittitur of the Aggen appeal. The time within which an action must be brought to trial pursuant to C.C.P. § 583.310 is extended for the period of time within which the stay is effective.

Dated: Aug. 21, 1996

s/ S.P. Chapin
S.P. CHAPIN
Judge of the Superior Court

APPENDIX C — ORDER CONTINUING STAY OF PROCEEDINGS OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA FILED DECEMBER 17, 1997

SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA

CASE NO. 113842 LEAD CASE

(Consolidated with Case Nos. 118363, 118459, 117093, 119484 [5th Cause of Action only], and 121507)

CIV 116363

DONALD ADAMS,

Plaintiff,

CITY OF SAN BUENAVENTURA,

Defendant.

ORDER CONTINUING STAY OF PROCEEDINGS

IT IS HEREBY ORDERED, pursuant to the Stipulation filed on _____, that until reactivated by stipulation, motion or order of the Court, the proceedings in these consolidated cases are stayed pending disposition of the petition for writ of certiorari to the United States Supreme Court filed by Harry R. Hibbs, Jessica Hibbs and Henry Holliday (*Hibbs* petition). The petition was filed in *Aggen, et al. V. City of San Buenaventura, et al.* (*Aggen*), Ventura County Superior Case No. 118395 (lead case), consolidated with case numbers 118544 and 119484. If not reactivated as described above, these consolidated cases shall automatically be reactivated upon the passage of thirty (30) days from the final disposition of the *Hibbs* petition. The time within which an action must be brought

to trial pursuant to C.C.P. § 583.310 is extended for the period of time within which the stay is effective.

Dated: 12/15/97

s/ S.P. Chapin
S.P. CHAPIN
Judge of the Superior Court